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DEC 21 2005

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINALARRY W. PROPPS, CLERK
CHARLESTON, SC

Edwin Reeves Hazel, III, #05081607,)

Civil Action No. 9:05-3157-SB

Plaintiff,)

-vs-)

ORDER

County of Berkeley,)

Defendant.)
_____)

This matter is before the Court on the pro se Plaintiff's complaint alleging violations of his constitutional rights, pursuant to 42 U.S.C. § 1983. A pretrial detainee, the Plaintiff alleges that he has not been brought before a judge for a bond determination, in violation of the Constitution. By local rule, the matter was referred to United States Magistrate Judge George C. Kosko for initial review.

On November 28, 2005, the Magistrate Judge issued a report analyzing the complaint and recommending that this action be dismissed without prejudice. Specifically, the Magistrate Judge concluded that (1) the Plaintiff's state court conviction had not yet been reversed, expunged or otherwise made invalid, precluding relief, and (2) federal courts should not involve themselves in pending state court proceedings where there is an adequate remedy in the state courts for the alleged violation.

Attached to the report and recommendation was a notice giving the Plaintiff ten days in which to file specific, written objections. To date, no such objections have been filed. Absent timely objection from a dissatisfied party, a district court is

not required to review, under a de novo or any other standard, a magistrate judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, since objections were not filed, there are no portions of the report and recommendation to which a de novo review must be conducted. Accordingly, the Magistrate Judge's report and recommendation is hereby adopted as the order of this Court, and it is

ORDERED that this action is dismissed without prejudice and without issuance or service of process.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

December 21, 2005
Charleston, S.C.

#2